



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

NOV 17 2000

Gary L. Arneson
3712 South 33rd St.
La Crosse, WI 54601

RE: MUR 4920
Kind for Congress Committee and
Mary JoAnn Werner, as treasurer

Dear Mr. Arneson:

On August 10, 2000, you were notified by letter of the actions taken by the Commission regarding the complaint you filed against Kind for Congress Committee. Enclosed with that letter was a General Counsel's Report and a Certification.

Enclosed please find two Statements of Reasons: one signed by Commissioners McDonald, Sandstrom, Smith and Thomas and the other signed by Commissioner Smith alone. These Statements explain the Commissioners' decision to take no further action after voting to find reason to believe that Kind for Congress and its treasurer violated 2 U.S.C. § 441d(a). These documents will be placed on the public record as part of the file in MUR 4920.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Dawn M. Odrowski".

Dawn M. Odrowski
Attorney

Enclosures
Statements of Reasons (2)

In the Matter of

RECEIVED
LIBERAL ELECTION
COMMISSION
SECRETARIAT

Kind for Congress Committee)
and Mary JoAnn Werner,)
as treasurer)

MUR 4920

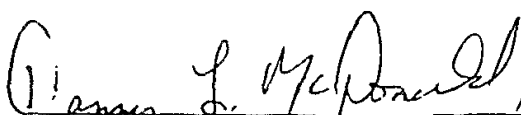
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STATEMENT OF REASONS

On July 25, 2000, the Commission found reason to believe that the Kind for Congress Committee (the "respondent") and Mary JoAnn Werner, as treasurer, violated 2 U.S.C. §441d(a) by failing to maintain a disclaimer on a campaign sign paid for and authorized by the respondent. The Commission rejected the General Counsel's recommendation to enter into pre-probable cause conciliation and instead voted to take no further action and close the file.

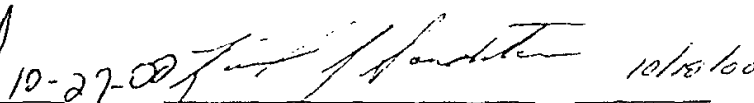
The Commission agreed with the General Counsel that the sign, which expressly advocated the candidate's election, should have contained a disclaimer. The sign, which was painted on the side of a building owned by the candidate, originally contained an appropriate disclaimer.¹ However, a few months after the sign was painted, graffiti was sprayed on the bottom part of the sign.² The facts suggest that in the process of removing the graffiti, the disclaimer also was inadvertently removed.³ Upon notification the sign was without the required disclaimer, the respondent immediately had the disclaimer reapplied.⁴

In light of these circumstances, and in the exercise of prosecutorial discretion,⁵ the Commission voted to take no further action and close the file.




Danny L. McDonald
Vice-Chairman

Date



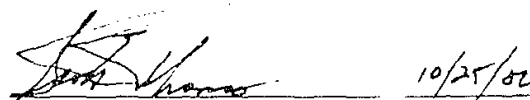
Karl J. Sandstrom
Commissioner

Date



Bradley A. Smith
Commissioner

Date



Scott E. Thomas
Commissioner

Date

¹ September 13, 1999 Response at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ See *Heckler v. Chaney*, 470 U.S. 821 (1985).